

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

JAMES RONAN,	:	Case No.: 3:22-CV-204
	:	
Plaintiff,	:	
	:	
v.	:	
	:	
NORFOLK SOUTHERN	:	
CORPORATION,	:	
	:	
Defendant.	:	JURY TRIAL DEMANDED

COMPLAINT

NOW COMES, the Plaintiff, James Ronan, by and through his attorneys, Spence, Custer, Saylor, Wolfe & Rose, LLC, and files this Complaint:

Parties

1. The Plaintiff, James Ronan ("Plaintiff"), is an adult individual residing at 131 Ronan Drive, Ashville, Cambria County, Pennsylvania 16613.

2. The Defendant, Norfolk Southern Corporation ("Defendant"), also known as Norfolk Southern, is a business corporation with corporate headquarters located at 650 W. Peachtree Street, N.W., Atlanta, Georgia 30308, is authorized to conduct business in the Commonwealth of Pennsylvania and maintains track facilities, offices, and yards within this judicial district.

Jurisdiction and Venue

3. This action is maintained pursuant to the Federal Employers' Liability Act, 45 U.S.C.A. § 51-60. Jurisdiction of this Honorable Court is vested herein by virtue of said Act. The Plaintiff avails himself of the rights, benefits, and immunities afford him under said Act. At all times material to the Complaint, Plaintiff as employee and

Defendant as employer were engaged in acts and services substantially affecting interstate commerce.

4. The events giving rise to this action occurred in Blair County, Pennsylvania such that personal jurisdiction and venue are proper in the United States District Court for the Western District of Pennsylvania.

Factual Background

5. On or about September 1969, Plaintiff became employed by Penn Central Transportation Company as a laborer. In early 1971, he became a machinist helper and later in 1971, became a machinist.

6. Penn Central Transportation Company was acquired by Consolidated Rail Corporation ("Conrail") in 1976. In 1997, Defendant acquired Conrail through a joint stock purchase.

7. From 1997 until his retirement in 2000, Plaintiff was employed by Defendant.

8. For approximately twenty (20) years of his employment, Plaintiff was employed in the Air Brake Shop at the railroad's Juniata Works in Juniata, Blair County, Pennsylvania.

9. In connection with his work in the Air Brake Shop, the Plaintiff was exposed to and required to utilize solvents, cleaners, lubricants, and other chemicals which were known to have carcinogenic effects.

10. During his employment, Plaintiff was not provided with appropriate and necessary safety equipment to prevent or reduce his exposure to these chemicals.

11. The Defendant did not provide any warning or effective instruction in the use of the chemicals to reduce or prevent exposure.

12. In January 2020, Plaintiff was diagnosed with small cell neuroendocrine carcinoma of the prostate gland, an aggressive form of cancer.

13. Small cell neuroendocrine carcinoma is caused in the vast majority of cases by cigarette smoking.

14. Plaintiff never smoked or utilized any tobacco products during his lifetime.

15. In March 2020, Plaintiff was advised that his cancer, in the absence of a smoking history, was caused by chemical exposure.

16. Plaintiff believes and therefore avers that the various chemicals, solvents, cleansers, and other products he was required to use during his employment in the Air Brake Shop caused or contributed to his development of the small cell neuroendocrine carcinoma.

17. As result of his diagnosis, Plaintiff has been forced to incur significant medical expenses associated with the treatment and will be forced to continue to expend significant sums for future medical treatment, has a suffered a loss of earning capacity, and has suffered pain and mental anguish.

18. Plaintiff claims damages against Defendant in an amount to be shown by the evidence at the time of trial for his injuries, for his pain and suffering, past, present and future mental and physical, for his loss of earnings during the period of time that he has been disabled, for his loss of earning capacity in the future by reason of the injuries he has received and for the expenses of his medical treatment, both past and future.

WHEREFORE, the Plaintiff, James Ronan, prays that he have judgment against Defendant in an amount in excess of the jurisdictional minimum, plus costs, interest as allowable by law, and other remedies at law or in equity, as this Honorable Court may deem just and proper. **JURY TRIAL DEMANDED.**

Respectfully submitted,

SPENCE, CUSTER, SAYLOR, WOLFE & ROSE, LLC

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